

INSPECTION PROGRAM

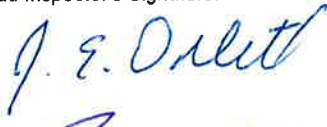

CHAPTER 8


COMMAND DUI COST RECOVERY

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Command: San Luis Obispo	Division: Coastal	Number: 745
Evaluated by: J. Orlett, #11940		Date: 9/14/2009
Assisted by: A. Carrillo, #11324		Date: 9/14/2009

INSTRUCTIONS: Answer individual items with "Yes" or "No" answers, or fill in the blanks as indicated. Any "No" answers, discrepancies with policy, applicable legal statutes, or deficiencies noted in the inspections shall be commented on via the "Remarks" section. Additionally, such discrepancies and/or deficiencies shall be documented on an Exceptions Document and addressed to the next level of command. Furthermore, the memorandum shall include any follow-up and/or corrective action(s) taken. If this form is used as a Follow-up Inspection, the "Follow-up Inspection" box shall be marked and only deficient items need to be re-inspected.

TYPE OF INSPECTION <input checked="" type="checkbox"/> Division Level <input type="checkbox"/> Command Level <input type="checkbox"/> Office of Inspections <input type="checkbox"/> Voluntary Self-Inspection		Lead Inspector's Signature: 	
Follow-up Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Follow-Up Inspection BY: _____	Commander's Signature: 	Date: 9/22/09
For applicable policies, refer to HPM 11.1, Chapter 20.			
Note: If a "No" or "N/A" box is checked, the "Remarks" section shall be utilized for explanation.			
1. Does the command have sufficient procedures to ensure that a CHP 735, Incident Response Reimbursement Statement, is prepared for each arrest that meets the cost recovery criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Remarks:	
2. What are these procedures? <i>The Standard Operating Procedure (SOP) for the Area included a chapter on completion of the CHP 735 for all incidents meeting the requirements. The SOP also detailed how reconciliation is accomplished and a established a quarterly audit of the forms. Additionally, the CHP 735 log is monitored by the Office Services Supervisor I and Field Operations Officer (Lieutenant). Officers are required to print and attach completed CHP 415s for time spent on a DUI reimbursement incident. These forms shall have the case number/defendant's name highlighted for comparison. They are then reviewed by a supervisor. Final approval is sent to the lieutenant or captain for signature. The signed forms are sent to the Word Processing Technician I for Processing.</i>			
3. Does the command have a specific employee(s) assigned to process all CHP 735 forms?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Remarks:	
4. If the answer to question 3 of this checklist is yes, is the responsibility of processing all CHP 735 forms listed in their job description or any other document?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Remarks:	
5. Are all CHP 735 forms forwarded to Fiscal Management Section (FMS) properly with completed criteria in either Section A or Section B of the form?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Remarks:	
6. Does the command have a suspense system in place to facilitate notification of a conviction involving cases meeting the requirements of the Driving Under the Influence (DUI) Cost Recovery Program? This would involve cases where the following criteria applies: <ul style="list-style-type: none"> A Blood Alcohol Content (BAC) under .08% A chemical test is positive for drugs only There is no supporting BAC test of drug test (i.e., a refusal) 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Remarks: Area had been able to access the court database from a remote computer in the Area office. After 5/1/2009, the court system changed and Area has not been able to check on the status of cases. CHP Helpdesk requests have been unable to correct the problem.	
7. Are CHP 735 forms completed based on the criteria of Section A of the form being forwarded to FMS within ten business days from one of the following	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Remarks: There is a significant delay in processing the CHP 735's. An officer takes an average 1-3 days	

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BY: 

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<p>dates?</p> <ul style="list-style-type: none"> The date of BAC results of $\geq .08\%$ were received The date of BAC results of $\geq .04\%$ were received for a commercial driver 				to complete a report, which is then reviewed by the AI Review Officer. If corrections are necessary it is returned, causing further delay. Once the collision report is complete, the CHP 735 is sent for review by a sergeant and then to the captain for approval. The CHP 735 is then sent to clerical for processing. Delays can occur depending on office staffing levels and other duties.
<p>8. Are CHP 735 forms completed based on the criteria of Section B of the form being forwarded to FMS within ten business days from being notified of a conviction of California Vehicle Sections 23152 or 23153, or greater offence as a result of one of the following?</p> <ul style="list-style-type: none"> The person arrested refused to provide a chemical test The arrest was for drugs only A BAC of $< .08\%$ was obtained 	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: There is a significant delay in processing the CHP 735's. After the blood test analysis is received, it is entered into the log, but the CHP 735 is not processed in a timely manner. Additionally, when BAC is below 0.08, the sample is retested for drugs. This also causes another delay in completing the CHP 735.
<p>9. Is the Itemized Staff Hours section of the CHP 735 completed as required in Highway Patrol Manual 11.1, Administrative Procedures Manual, and includes hours for all employees assigned to the incident?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
<p>10. If the person arrested is transient, is the case being entered into the CHP 735A, Case Log-DUI Cost Recovery Program, without forwarding the CHP 735 to FMS?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
<p>11. Are staff hours involved in the incident recorded on the CHP 735 to the nearest ten minutes?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
<p>12. Do the total number of staff hours charged on the CHP 735 agree with the appropriate CHP 415, Daily Field Record?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Effective 10/1/2008, new procedures were established to ensure reconciliation accuracy.
<p>13. Does the Notes portion of the CHP 415 indicate the billable DUI time when the CHP 415 includes more than one activity?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: The arrestee's name or case number is listed on the CHP 415 to track time spent on the incident.
<p>14. Are the staff hours incurred by members of the Department for the following activities associated with an incident meeting the criteria for DUI cost recovery included in the CHP 735?</p> <ul style="list-style-type: none"> Response Time On-Scene Investigation Follow-up Investigation Report Writing Vehicle Storage Call Back Field Sobriety Testing Transportation Booking Chemical Testing Traffic Control 	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:

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EXCEPTIONS DOCUMENT

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Command: San Luis Obispo	Division: Coastal	Chapter: 8
Inspected by: J. Orlett, #11940		Date: 9/11/2009

INSTRUCTIONS: This document shall be typed. Check appropriate boxes as necessary, or fill in the blanks as indicated. Enter the chapter number of the inspection in the Chapter Inspection number. Under "Forward to:" enter the next level of command where the document shall be routed to and its due date. This document shall be utilized to document innovative practices, suggestions for statewide improvement, identified deficiencies, corrective action plans. A CHP 51 Memorandum may be used if additional space is required.

TYPE OF INSPECTION <input checked="" type="checkbox"/> Division Level <input type="checkbox"/> Command Level <input type="checkbox"/> Executive Office Level		TOTAL HOURS EXPENDED ON THE INSPECTION: 2 hours	<input checked="" type="checkbox"/> Corrective Action Plan Included <input type="checkbox"/> Attachments Included
Follow-up Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Forward to: OINS Due Date: 8/14/2009		
Chapter Inspection:			
Inspector's Comments Regarding Innovative Practices:			

None

Command Suggestions for Statewide Improvement:
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None

Inspector's Findings:

Area documents billable DUI-cost-recovery time appropriately on the CHP 415. Area is struggling to complete and submit CHP 735s to FMS within the required 10 days and there is a need to streamline the processing system. As recommended, the CHP 735 should be separated from the CHP 555/CHP 202 when they are sent for review; there is no need to wait for the collision and arrest reports to be completed before processing the CHP 735. A suspense system must be developed for pending BAC results or the adjudication of court cases, as applicable. The time for CHP 555/CHP 202 correction should not be included in DUI-reimbursable time.

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Inspected by: J. Orlett, #11940		Date: 9/11/2009

Commander's Response: ☐ Concur or ☐ Do Not Concur (Do Not Concur shall document basis for response)

Inspector's Comments: Shall address non concurrence by commander (e.g., findings revised, findings unchanged, etc.)

Required Action

Corrective Action Plan/Timeline

Coastal Division will follow-up with the San Luis Obispo Area in one month to ensure Area is complying with the 10-day submission requirement. Additionally, the Area's suspense system will be evaluated.

<input type="checkbox"/> Employee would like to discuss this report with the reviewer. (See HPM 9.1, Chapter 8 for appeal procedures.)	COMMANDER'S SIGNATURE 	DATE 9/22/09
	INSPECTOR'S SIGNATURE	DATE
<input type="checkbox"/> Reviewer discussed this report with employee <input type="checkbox"/> Concur <input type="checkbox"/> Do not concur	REVIEWER'S SIGNATURE	DATE